

REMARKS

Claims 1-9 are now presented for examination. Claim 10 is herein cancelled. No new matter has been added. Claims 1 and 9 are independent.

On page 2 of the Office Action the disclosure is objected to because of informalities in Applicants' continuation data. Applicants herein have corrected such informalities.

On page 2 of the Office Action, Claims 1-10 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claim 1 of U.S. Patent No. 6,779,304. Applicants herein file a Terminal Disclaimer to obviate such rejection.

On page 3 of the Office Action, Claims 1-3, 6, 7, and 9 are rejected under 35 U.S.C. §102(b) as being anticipated by Loper, U.S. Patent No. 212,242. Applicants' respectfully traverse this rejection. In order for a reference to anticipate a claim, the reference must disclose each and every element of the claim. Claim 1 recites, in part, "a substantially planar mounting portion." The Examiner indicates that Loper discloses a planar mounting portion, indicated as (D). To the contrary, Loper specifically discloses, "D represents a casting, of any desired shape and size, adapted to be received into a recess A'...and it is provided with a longitudinal slot, d, and perforated ears d'." (2<sup>nd</sup> Col., 3<sup>rd</sup> Paragraph). Further, the casting (D) is clearly shown in FIGS. 2 and 3 of the Loper reference as having a 3-dimensional shape which is inserted into a hole in a door frame. In addition, the folding arms E, F, and G can be positioned to be fully enclosed by the casing. As such, the casing (D) of the Loper reference is not "substantially planar," as it includes a 3-dimensional shape having an interior space for housing arms E, F and G. Moreover, though Loper discloses that the casting may be of "any desired shape and size," to

have the casting as a substantially planar element would hinder the intended operation, i.e., to allow the arms E, F, and G to be positioned within the casting when not in use.

Claim 1 further recites, in part, “a substantially planar support portion extending orthogonally from the mounting portion.” The Examiner indicates that this is disclosed in Loper as “support portion (F)” on Page 3 of the Office Action. As clearly illustrated in FIG. 3 of Loper, the arm (F) has a substantially square-shaped cross section, having the form of a rectangular beam. A rectangular beam having a substantially square-shaped cross-section is not “substantially planar” as recited in Claim 1.

Claim 1 further recites, in part, “a substantially planar retaining portion extending from the mounting portion.” The Examiner indicates that this is disclosed in Loper as “retaining portion (G)” on Page 3 of the Office Action. As clearly illustrated in FIG. 3 of Loper, the arm (G), similar to the arm (F) above, has a substantially square-shaped cross section, in the form of a rectangular beam. A rectangular beam having a substantially square-shaped cross-section is not “substantially planar” as recited in Claim 1.

As the Loper reference fails to disclose a “substantially planar mounting portion,” “substantially planar support portion,” or “substantially planar retaining portion,” as stated in Claim 1, the rejection under 35 U.S.C. §102(b) is unsupported by the art and therefore improper. Thus, a withdrawal of the rejection of Claim 1 under 35 U.S.C. §102(b) is respectfully requested. In addition, the withdrawal of the rejection under 35 U.S.C. §102(b) with respect to Claims 2 and 3 is requested as these Claims depend from independent Claim 1.

Claim 6 recites, in part, “a second mounting portion that is disposed at 90 degrees with respect to the mounting portion.” The Examiner has failed to identify which portion of the Loper

disclosure anticipates this feature. In fact, Loper fails to disclose or even make reference to a "second mounting portion," let alone one disposed at 90 degrees to the first mounting portion. As such, the rejection under 35 U.S.C. §102(b) is unsupported by the art and therefore improper. Thus, a withdrawal of the rejection of Claim 6 under 35 U.S.C. §102(b) is respectfully requested. In addition, the withdrawal of the rejection under 35 U.S.C. §102(b) with respect to Claim 7 is requested as it depends from independent Claim 1.

Claim 9 includes "a first substantially planar mounting portion," "a substantially planar support portion," "a second substantially planar mounting," and "a substantially planar retaining portion," each of which is discussed above as failing to be appear in the disclosure of the Loper reference. Therefore, the rejection under 35 U.S.C. §102(b) is unsupported by the art, and a withdrawal of the rejection of Claim 9 under 35 U.S.C. §102(b) is respectfully requested.

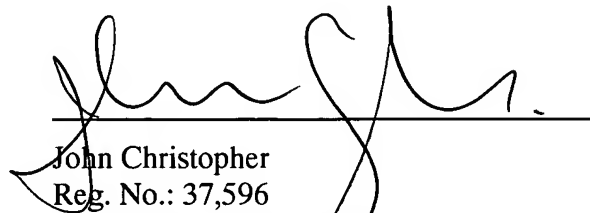
On page 3 of the Office Action, Claims 4, 5, and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Loper, U.S. Patent No. 212,242. Claims 4 and 5 are believed to be allowable as they depend from independent Claim 1. Claim 10 has been cancelled.

For all of the above reasons, the claim objections are believed to have been overcome placing Claims 1-9 in condition for allowance, and reconsideration and allowance thereof is respectfully requested.

The Examiner is encouraged to telephone the undersigned to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'John Christopher', is written over a horizontal line.

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